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EAST TIMOR

Working paper prepared by the Secretariat

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EAST TIMOR

I. GENERAL

1. The Territory of East Timor comprises the eastern part of the island of Timor, which is located at the tip of the chain of islands forming the Republic of Indonesia; the enclave of Oecusse Ambeno; the island of Atauro, off the northern coast of Timor; and the island of Jaco, off its extreme eastern tip. It lies between latitudes 8'17'S and 10'22'S and longitudes 123'25'E and 127'19'E.

2. According to the 1980 census, the total population of the Territory was 555,350; in 1991, it was estimated at 752,000. 1/

II. CONSIDERATION BY THE UNITED NATIONS 2/

A. The General Assembly and other United Nations bodies

3. Between 1961 and 1982, the General Assembly annually reviewed the question of East Timor and adopted resolutions on the basis of the reports submitted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. 3/

4. Since April 1977, the Government of Portugal, in its capacity as administering Power of East Timor, has annually informed the Secretary-General that owing to conditions prevailing in the Territory, namely the presence of armed forces of the Republic of Indonesia, it has been de facto prevented from transmitting any information concerning East Timor under Article 73 e of the Charter of the United Nations. 4/

5. At its thirty-seventh session, by its resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report to the Assembly at its thirty-eighth session. The Assembly requested the Special Committee to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General to facilitate implementation of the resolution.

6. Since 1983, the Secretary-General has kept the General Assembly apprised of developments related to the exercise of his good offices. 5/ In his latest progress report, submitted to the General Assembly at its forty-sixth session (A/46/456), the Secretary-General stated that he had continued consultations with the Governments of Indonesia and Portugal, in the course of which both sides had reiterated their determination to seek a comprehensive and internationally acceptable solution to the question of East Timor through continuing dialogue and negotiation.

7. At each session since the thirty-eighth, the General Assembly has deferred consideration of the question. 6/

8. During the general debate at the forty-sixth session, the representatives of Angola, Cape Verde, Guinea-Bissau, Mozambique, Portugal, Sao Tome and Principe and Vanuatu referred to the question of East Timor in their statements (A/46/PV.5, 7, 14, 21, 23, 24). The representative of the Netherlands, on behalf of the 12 members of the European Community, also referred to East Timor in a memorandum which was circulated as an integral part of his speech (A/46/PV.6). In response to the statement made by Portugal, Indonesia made a statement in exercise of the right of reply (A/46/PV.7). In the general debate in the Fourth Committee, the representative of the Netherlands, on behalf of the 12 members of the European Community, also referred to East Timor (A/C.4/46/SR.8); and the representatives of Cape Verde and Sao Tome and Principe made further references to the Territory (A/C.4/46/SR.11 and 13). Indonesia made a statement in exercise of the right of reply in response to the statement made by the Netherlands (A/C.4/46/SR.9).

9. In the debate in the Third Committee on human rights questions, the representatives of Australia, Austria, Brazil, Canada, Cape Verde, Finland, France, the Holy See, as well as the representative of the Netherlands, on behalf of the 12 States members of the European Community, and the representatives of New Zealand, Portugal and Vanuatu made further references to the Territory (A/C.3/46/SR.44 and 47-53). Representatives of Indonesia, Portugal and Vanuatu made statements in exercise of the right of reply (A/C.3/46/SR.44 and 53).

10. Under the mandate entrusted to it and renewed annually by the General Assembly, the Special Committee has continued to review the question and has heard statements by Member States and petitioners concerning the situation in the Territory. 7/

11. At its 1991 session, the Special Committee considered the question of East Timor at its 1383rd to 1385th meetings, on 7 and 8 August. During those meetings, the Committee heard the representatives of Indonesia (A/AC.109/PV.1383 and 1385), Cape Verde (also on behalf of Angola, Guinea-Bissau, Mozambique and Sao Tome and Principe) and Portugal (A/AC.109/PV.1385); as well as 16 petitioners (A/AC.109/PV.1383, 1384 and 1385).

12. At its 1385th meeting, on 8 August, the Special Committee decided to continue consideration of the item at its 1992 session, subject to any directives that the General Assembly might give at its forty-sixth session (A/AC.109/PV.1385).

13. Since the adoption of its resolution 1983/8 of 16 February 1983 relating to East Timor, 8/ the Commission on Human Rights has not considered the question. At the 41st meeting of the forty-first session, on 5 March 1985, the Chairman announced that the Commission had taken action in private

session, under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, with regard, inter alia, to East Timor, and that the situation relating thereto was no longer under consideration by the Commission. 9/

14. On 1 September 1988, the Subcommission on Prevention of Discrimination and Protection of Minorities, by 10 votes to 9, with 5 abstentions, decided not to take any action on a draft resolution on East Timor. 10/

15. In both 1989 and 1990, the Subcommission on Prevention of Discrimination and Protection of Minorities adopted by secret ballot resolutions entitled "Situation in East Timor" (1989/7 and 1990/15), whereby it recommended to the Commission on Human Rights that it consider the situation pertaining to human rights and fundamental freedoms in East Timor at its forty-sixth and forty-seventh sessions, respectively. 11/

16. At the 26th meeting of the forty-third session of the Subcommission, on 23 August 1991, the Chairman announced that, as in previous sessions, some experts had taken the initiative of preparing a draft resolution on the subject. Having learned of that initiative, he had requested that certain recent developments in the process of consultations initiated by the Secretary-General be taken into account and had consulted the members concerned in an attempt to find a solution by consensus. The recent developments included an agreement in principle between the parties to send a Portuguese parliamentary mission to visit East Timor (see para. 36 below) and the announcement made by the observer for Indonesia in the Subcommission that the Special Rapporteur on Torture of the Commission on Human Rights would be invited to visit East Timor. To promote the spirit of openness and to facilitate the work of the Special Rapporteur on Torture, it had been agreed not to submit the draft resolution on East Timor. 12/

17. On 8 January 1992, under item 10 (a) of the provisional agenda of its forty-eighth session, the Commission on Human Rights released the report of the Special Rapporteur on Torture, Mr. P. Kooijmans, on his visit to Indonesia and East Timor at the invitation of the Government of Indonesia. 13/ In his report, the Special Rapporteur noted that he had visited the Territory from 11 to 13 November, and thus was present at the time of the shootings in Dili (see sect. V). That incident however, did not fall directly within his mandate. In East Timor, he had held meetings with, among others, the "Governor", the Military Commander, the Attorney, the President of the District Court and Bishop Belo of the Roman Catholic Church and had interviewed several former detainees.

18. The Special Rapporteur said he had been told by the "Governor" that the number of incidents between the local population and the armed forces was decreasing, although sometimes the police intervened with brutality. Of the detainees he had met, some had confirmed that they had been tortured, but others had no complaints of ill-treatment. Military authorities admitted that there had been cases of torture or other serious human rights violation, but they assured him that everything was being done to prevent their recurrence. According to statistical data he had received, some 215 members of the armed

forces had been punished or disciplined for failing to carry out their functions, 115 for criminal acts.

19. At the 54th meeting of the forty-eighth session of the Commission on Human Rights on 4 March 1992, 14/ the Chairman read out a statement, agreed to by consensus, in which the Commission noted with serious concern the human rights situation in East Timor and deeply deplored the violent incident which had occurred in Dili on 12 November 1991 (see sect. V). The Commission, among other things, welcomed the setting up of a national commission of inquiry by the Indonesian Government and the prompt response which its advance report had elicited from the highest authorities. It expressed the hope that further investigation would clarify the discrepancies on the number of people killed and missing. The Commission said that it was encouraged by Indonesia's disciplinary measures and military court proceedings against some members of the armed forces and urged the Government to bring to trial and punish all those found responsible. It called upon Indonesia to ensure that all civilians arrested were treated humanely, that those brought to trial received proper legal representation and fair trial and that those not involved in violent activities were released without delay. The Commission welcomed the appointment of Mr. S. Amos Wako as Personal Envoy of the Secretary-General to obtain clarification of the events and the willingness of the Indonesian authorities to cooperate with him. The Commission encouraged the Secretary-General to continue his good offices for achieving an internationally acceptable settlement of the question. 15/

B. Communications related to the question

20. In letters dated respectively 1 and 6 August 1991 addressed to the Acting Chairman of the Special Committee (A/AC.109/1081 and Add.1), the Permanent Representative of Indonesia reiterated the position of his Government on the question of East Timor and requested that the letters be circulated as documents of the Special Committee.

21. In a letter dated 6 April 1992 to the Secretary-General, the Permanent Representative of Cape Verde transmitted the text of a joint declaration on East Timor issued by the Heads of State of Angola, Guinea-Bissau, Mozambique, Sao Tome and Principe and Cape Verde on the occasion of their Tenth Summit, held in Sao Tome and Principe on 10 March 1992 and requested that the letter and its annex be circulated as an official document of the General Assembly (A/47/151).

22. In a letter dated 21 April 1992 to the Secretary-General, the Permanent Representative of Portugal, in the capacity of President of the European Community, transmitted the text of a statement of the European Community and its member States on East Timor issued on 13 February, and requested that the letter and its annex be circulated as an official document of the General Assembly (A/47/169).

23. In a note verbale dated 20 May 1992 to the Secretariat, the Permanent

Mission of Sao Tome and Principe transmitted the text of a letter from Mr. Kay Rala Xanana Gusmao, member of the National Command of the Maubere Resistance (CNMR) and Commander of the Liberation Armed Forces of East Timor (FALINTIL), and requested that the letter and its annex be circulated as an official document of the General Assembly (A/47/219).

III. POLITICAL DEVELOPMENTS

24. Indonesian Law 7/76 of 17 July 1976 states that East Timor is a province or a "first-level region" of Indonesia. The law provides for the establishment of a "Regional Government" consisting of a "Regional Secretariat" and a "Regional House of Representatives" and for East Timor to be represented in the National House of Representatives and in the People's Consultative Assembly of Indonesia.

25. By its resolution 32/34 of 28 November 1977, the General Assembly rejected Indonesia's claim that East Timor had been integrated into Indonesia, inasmuch as the people of the Territory had not been able to exercise freely their right to self-determination and independence.

26. The most recent general elections to the "Regional House of Representatives" and the National House of Representatives were held on 9 June 1992. According to the Indonesia Times of 15 June 1992, 369,046 voters were registered with the East Timor Elections Committee, and 305,401 of these voted for the Functional Group (GOLKAR), 58,449 for the Indonesian Democratic Party and 5,196 for the United Development Party.

27. The "Governor" of East Timor is Mr. Mario Carrascalão, who is serving a second term which expires in September 1992. According to press reports, 15 candidates are planning to run for election as his successor. 16/ These include Brigadier General Rudolf Samuel Warouw of Indonesia, who was dismissed as military commander of East Timor in December 1991, reportedly because he and his direct superior, as military leaders, were held responsible by President Suharto for the events in Dili on 12 November. The Jakarta Post of 17 March 1992 reported that the Chairman of the Timorese Regional Assembly had charged that the Indonesian Government was attempting to dictate who the next governor should be.

28. Press reports over the past few years have estimated the Indonesian military presence in the Territory to be about 10,000 troops. 17/

29. On 12 June 1992, an article in The Guardian (London) said that after the Dili incident a security crackdown had been imposed and that the military had been granted special powers. The current Indonesian military commander in East Timor, Brigadier General Theo Syfei, was reported as indicating that four of the six battalions, comprising 3,840 men, might be removed by September. According to the report, as the September target date coincides with the retirement of "Governor" Carrascalao, this suggests plans for a "fresh start" in Indonesia's administration of the Territory. However, the report queries

whether prevailing circumstances will actually permit a wide-ranging change, especially as "there is little evidence of success in winning over [illegible] East Timorese". It was reported in the same newspaper on 14 July 1992 that, according to the Indonesian newspaper Kompas, three East Timorese "rebels" had been killed in a clash with Indonesian troops who had stepped up operations in the Territory.

30. In 1990, the Frente Revolucionária de Timor Leste Independente (FRETILIN) maintained that there were 5,000 armed guerrillas. 18/ At the beginning of April 1992, 19/ Indonesian sources reported that according to Brigadier General Syafei there were nine FRETILIN groups with a total of 296 members living in forested areas. Their firepower consisted of about 128 weapons of various kinds, or 2 per cent of their arsenal in 1975/76. General Syafei said that FRETILIN had changed its strategy to focus on political work in urban areas instead of military activities.

31. In 1992, it was reported in the Portuguese press that Mr. Xanana Gusmao, leader of FRETILIN, had told an interviewer that FRETILIN forces had weakened and would accept "without hesitation" the result of a "popular verdict" on the future of East Timor, no matter what the result might be. 20/

32. As previously reported, in 1989 Indonesia and Australia signed a comprehensive agreement for a zone of cooperation for exploration and exploitation of offshore oil resources in the Timor Gap (see A/45/57-S/21022; A/45/60-S/21028; A/46/93-S/22249; A/46/97-S/22285).

33. On 22 February 1991, the Government of Portugal filed in the Registry of the International Court of Justice an application instituting proceedings against Australia in a dispute concerning "certain activities with respect to East Timor". 21/

34. By an Order of 3 May 1991 (I.C.J. Reports 1991, p. 9), the President of the International Court of Justice, after a meeting with the Agents of the two Parties at which agreement on time-limits was reached, fixed 18 November 1991 as the time-limit for the filing of the Portuguese Memorial and 1 June 1992 as the time-limit for the Australian Counter-Memorial. 22/

35. On 16 December 1991, the Portuguese Ambassador to Australia handed a note verbale to the Ministry of Foreign Affairs for Australia strongly protesting against 11 production-sharing contracts which had been approved for petroleum exploration in "Area A" defined by the "Timor-Gap Cooperation Treaty" (A/47/65-S/23339, annex).

36. In mid-1991, Portugal and Indonesia reached agreement regarding the visit of a Portuguese parliamentary delegation to East Timor. The visit was formally approved by President Suharto of Indonesia on 25 August 1991. 23/ Informed that Indonesia opposed the inclusion of Ms. Jill Jolliffe in the list of international journalists to accompany the delegation, Portugal announced on 26 October that it was suspending the visit. A press release issued by the Permanent Mission of Portugal on 31 October 1991 said that Indonesia's

opposition was not in conformity with what had been agreed upon by the parties and that it culminated a series of actions incompatible with the terms of reference already approved for the visit. Indonesia contended that its opposition was based on the fact that Ms. Jolliffe had established herself as an anti-Indonesia crusader and that her ability to be an independent and objective reporter was therefore compromised. 24/

37. In February 1992, a group of about 150 people, including peace activists, students and journalists from 10 countries, set sail from Darwin, Australia, to East Timor aboard a chartered ferryboat, the Lusitânia Expresso, on what they described as a peace voyage. Indonesia said it had not received any request from either the operator of the vessel or its passengers for authorization to sail into Indonesian waters and would enforce applicable national and international laws if the group persisted in its voyage. 25/ On 10 March, the spokesman of the Secretary-General said that the Secretary-General had been informed of the mission by its organizers and had expressed the hope that no violent incident would occur and that good judgement and maximum restraint would be displayed by all concerned. According to a report in the Far Eastern Economic Review of 26 March 1992, the ship was "repelled by navy frigates at the edge of the Indonesian waters early on the morning of 11 March. The Indonesian navy had said it was prepared to use force ... but, in the event, a verbal warning proved a sufficient deterrent". Indonesia has stated that the Lusitânia Expresso entered its territorial sea at 0555 ICT on 11 March and continued its voyage after being ordered to leave. After repeated warnings, at 0607 ICT, the Lusitânia Expresso turned around and proceeded to leave (A/47/152, annex). In a statement issued on 24 March, Portugal said that whilst the ship was three miles outside the territorial waters of East Timor, Indonesian vessels ordered the Lusitânia Expresso not to enter, stop or anchor within its territorial waters. The Portuguese statement also said: "Moreover, these actions prevented the Lusitânia Expresso from entering the territorial waters of East Timor, a Non-Self-Governing Territory under Portuguese administration, in accordance with the relevant United Nations resolutions, and over which the Republic of Indonesia exercises no legitimate jurisdiction whatsoever" (A/47/134-S/23757, annex).

38. In a letter dated 24 March 1992 to the Secretary-General, the Permanent Representative of Portugal transmitted the text of a statement of his Government on the incident and requested that the letter and its annex be circulated as an official document of the General Assembly and of the Security Council (A/47/134-S/23757).

39. In a letter dated 8 April 1992 to the Secretary-General, the Permanent Representative of Indonesia transmitted the text of a statement issued by the Government of Indonesia the same day in response to the letter from Portugal and requested that the letter and its annex be circulated as an official document of the General Assembly (A/47/152).

40. On 23 April 1992, it was reported that Indonesia had rejected requests by United States Senators David Boren and Claiborne Pell to visit East Timor. 26/

IV HUMAN RIGHTS SITUATION

41. Regarding the comprehensive settlement of the question of East Timor, on which the Secretary-General reports annually to the General Assembly, the Secretary-General has been in contact with the parties concerned with a view to reactivating a dialogue that could lead to such a settlement. In this regard, the Governments of Indonesia and Portugal have presented their proposals and views on a dialogue to the Secretary-General, who continues his efforts to obtain an agreement on the modalities and format of such talks.

42. Below is a summary of observations relating to the human rights situation in East Timor contained in Country Reports on Human Rights Practices for 1991, Indonesia, published in February 1992 by the United States Department of State: 27/

> "In East Timor, where a shift from security operations to civic action projects by the armed forces had brought a gradual reduction in human rights abuses, the situation deteriorated sharply beginning in October.
>
> "During the period under review, people were detained for days or weeks and subsequently released without charges.
>
> "Although the Indonesian Government does not provide data on the number of persons serving subversion sentences, informed estimates suggest a total of more than 500 including those convicted of subversion in connection with separatist activities in East Timor.
>
> "The Government occasionally censors publications and continues the practices of telephoning editors to suppress stories and of censoring foreign periodicals. An article about East Timorese workers in Java that was to appear in the prominent news weekly Tempo, for example, was censored in early September 1991 at the insistence of military officers who came to the magazine's offices.
>
> "The Catholic Church operates widely in East Timor, but the activities of some of its clergy are carefully monitored by security forces concerned with their political sympathies.
>
> "Curfews were sometimes in force in connection with military operations in parts of East Timor.
>
> "Under a 1985 agreement, the International Committee of the Red Cross (ICRC) is authorized by the Government to visit persons held for security reasons in East Timor. None the less, ICRC experienced significant delays in gaining access to those wounded or imprisoned in the 12 November incident.
>
> "Family visits back to East Timor by East Timorese now living in Australia continued."

43. Amnesty International reported that at least 30 people had been killed in East Timor by Indonesian security forces in 1990 and early 1991 in apparent extrajudicial executions. A pattern of short-term detention, ill-treatment and torture of political detainees also appeared to have worsened. More than 400 people had been detained in East Timor since late 1988 for alleged involvement in pro-independence political activities, at least 200 of them since early 1990. Many might have been prisoners of conscience and many had reportedly been ill-treated or tortured in custody. 28/

44. Amnesty International noted that there remained serious limitations on the reporting of human rights violations in East Timor despite the "opening" of the Territory to tourism and commerce in January 1989. Persons suspected of disseminating human rights information in East Timor and Indonesia were closely watched and had a well-founded fear that they might themselves become victims. Telephone and postal communications were monitored and contacts with foreign journalists and tourists or with international organizations like ICRC were sometimes the subject of investigation. While some foreign visitors had been able to travel with apparent freedom in certain parts of the Territory, most continued to be subjected to close surveillance by military and police intelligence. Finally, notwithstanding government assurances that access to the Territory was unrestricted, and in spite of repeated requests, Amnesty International had not yet been permitted to visit East Timor or Indonesia. 28/

V. OTHER DEVELOPMENTS

A. The Dili incident of 12 November 1991

45. On 28 October 1991, shortly after Portugal's suspension of the proposed visit by a parliamentary delegation, two Timorese youths were killed in an altercation between anti- and pro-Indonesian factions in Dili.

46. On 12 November, after a memorial service in a local church for one of the deceased, a procession of some 2,000 people went to Santa Cruz cemetery, where the man had been buried two weeks before. Some demonstrators were carrying FRETILIN flags and were chanting anti-Indonesian slogans. According to numerous press reports, as the peaceful procession marched to the cemetery, an Indonesian army major and a soldier were stabbed, although not fatally wounded. After demonstrators had reached the cemetery, security forces opened fire at the crowd, killing and wounding an undetermined number of people. According to Country Reports on Human Rights Practices for 1991, 19 victims were buried in unmarked graves and for two days after the incident the army denied ICRC access to the military hospital to which the dead and wounded had been taken. 29/

47. According to press reports (The Guardian (London), 7 January 1992, The Observer (London), 17 November 1991, The New Yorker, 9 December 1991, The Times (London), 14 November 1991), the incident was witnessed by five foreign visitors, including two United States journalists representing The New Yorker magazine, a United Kingdom cameraman who filmed the events at the cemetery,

and an Italian missionary. These eyewitnesses in their accounts sustained that the shooting had started without any warning from the military or provocation by the demonstrators.

48. Amnesty International reported that it had received unconfirmed reports that between 60 and 80 additional people were extrajudicially executed on 15 November and their bodies also buried in unmarked graves outside Dili. Those killed were said to have included witnesses to the 12 November incident as well as suspected or known political activists arrested at the time of the incident and in house-to-house searches over the following days. The organization also reported that dozens of East Timorese demonstrating peacefully in Jakarta on 19 November had been detained by security forces. Unofficial sources to which representatives of Amnesty International spoke said that at least 35 people had been held at the Jakarta Central Police Station. 30/

49. On 18 November, the Government of Indonesia appointed a seven-member National Commission of Inquiry headed by a Supreme Court justice to conduct an on-site inquiry into the incident. The Commission met with the "Governor" of East Timor and other government and religious officials, as well as with members of the military and police. It held interviews with 132 eyewitnesses, visited hospitals and conducted several on-site reconstructions of events. 31/

50. In its preliminary report, released 26 December 1991, 27/ the Commission noted that eyewitnesses had provided differing accounts of aspects of the incident, especially disagreeing as to whether warning shots had been fired and whether there had been fighting before shots were fired.

51. The Commission said that, according to the military command (KOLACOPS), the death-toll had reached 19, but that according to other eyewitnesses the death-toll varied from 50 to over 100.

52. The Commission said that a total of 91 persons were reported to have been treated for wounds but that the actual number of wounded might well have been higher than officially reported. The Commission reported that approximately 90 persons were missing. 31/

53. The Commission concluded that the shootings were "not an act ordered by or reflecting the policy of the Government or the Armed Forces". It stated that the incident was "essentially a tragedy which should be deeply regretted" and that the actions of a number of security personnel "exceeded acceptable norms and led to the casualties". It was recommended that action be taken against all involved in the incident and that they be brought to trial in accordance with the rule of law.

54. Asia Watch, in a report issued on 3 January 1992, noted that after studying the preliminary report of the National Commission of Inquiry, reviewing Indonesian press coverage and interviewing people in Dili, it had concluded that the report was flawed by the Commission's ties to the Indonesian Government and the lack of experience of its members in conducting

such investigations. It said that, given the way the investigation was conducted, the Commission's findings, which upheld the army's position that security forces had fired on the demonstrators in self-defence, could not be accepted. Asia Watch acknowledged that it was the first time the Indonesian Government had ever recognized the need to respond so publicly to international criticism, that the head of the Commission appeared to take his assignment seriously, that the preliminary report was critical of security forces and that it acknowledged that the official death-toll of 19 was far too low. 32/

55. Asia Watch also reported that as of mid-December 1991 the situation in East Timor remained tense with hundreds of people still not knowing whether their missing relatives were detained, in hiding or dead. It said that one local source had reported that the atmosphere of fear and terror was worse than at any time since 1975. It noted also that there were reports of ongoing arrests and killings. 33/

56. In a statement issued on 13 February 1992, the European Community said it was encouraged by the prompt response which the Commission's report had elicited from the highest Indonesian authorities and welcomed the condolences expressed by the President of Indonesia to the people of East Timor and his commitment that such an incident must not happen again. However, the Community and its member States remained concerned about other aspects of the question: they hoped that further investigations would result in all those responsible being identified and, where appropriate, disciplined or brought to trial, and that those investigations would also produce clear information about the number killed and the fate of those still missing. The Community welcomed the involvement of the United Nations in the process and the appointment of Mr. S. Amos Wako as the personal representative of the Secretary-General to obtain clarification of the events (see para. 57). They supported the endeavours by the Secretary-General to achieve a just, comprehensive and internationally acceptable settlement of the question of East Timor, with full respect for the legitimate interests and aspirations of the East Timorese. They supported the start of a dialogue without preconditions between Portugal and Indonesia under the auspices of the Secretary-General, as contained in the constructive Portuguese proposal.

57. The Special Rapporteur on Torture, Mr. Kooijmans (see paras. 17 and 18), said that while the events did not fall directly within his mandate, as a representative of the United Nations Commission on Human Rights he felt constrained to describe and evaluate what he saw and heard during and after the events. The Special Rapporteur noted, inter alia, that information about what had sparked off the shooting differed widely. According to the authorities, the crowd was disorderly, demolishing shops and houses and using weapons, including a hand-grenade, against members of the security forces. Others claimed there was no provocation from the crowd. The Special Rapporteur noted that as he was about to leave East Timor on 13 November, he requested, in order to express sympathy, to be taken to the hospital where dozens of wounded were being treated. His request was refused, with the explanation that a visit by the Special Rapporteur to the wounded would be

interpreted as a "United Nations endorsement of anti-government" forces and could lead to further rioting. The Special Rapporteur said that he regretted being obliged to put on record his feelings of astonishment and disappointment at not having been informed promptly by the military authorities about the incidents of 12 November. 34/

58. On 8 February 1992, Mr. S. Amos Wako, Attorney General of Kenya and an international authority on human rights, arrived in Indonesia as the personal envoy of the Secretary-General to obtain clarification of the events. Mr. Wako held a succession of meetings with government officials, members of the Indonesian National Commission of Inquiry, the "Governor of East Timor" and others in Jakarta and Dili. Upon the completion of his mission, Mr. Wako reported privately to the Secretary-General. The Secretary-General informed the parties concerned about the conclusions and recommendations of Mr. Wako.

59. On 27 February 1992, the Military Honour Council, established by the Army Chief of Staff upon instruction of President Suharto to evaluate the conduct of and action taken by local security officers and the Army's Command structures in the Dili incident, announced its decision to punish six senior military officers (three, including two generals, were dismissed, two others were taken off active duty and one suspended). It also would examine actions by other "personnel who committed errors and infringements of military ethics and discipline or behaviour beyond appropriate limits"; court martial four officers, including three senior non-commissioned officers and one junior non-commissioned officer; and interrogate five other officers "in order to establish whether or not they actually failed to act when they should have". 35/

60. According to a report by Asia Watch of 26 June 1992, between 29 May and 6 June nine soldiers and one policeman had been tried by military or police courts in Bali for their role in the massacre. The report further noted that the trials were open to diplomatic observers and the press; the sentences ranged from 8 to 18 months; and as far as the Indonesian Government was concerned, the case against the military was now closed. Asia Watch contrasted the Government's failure to move forward with prosecutions of other soldiers with the continued imprisonment of dozens of East Timorese independence supporters in Dili and Jakarta, some of whom were facing subversion charges for participating in non-violent demonstrations.

61. According to reports in the Far Eastern Economic Review, Indonesia has also begun prosecution of civilians suspected in connection with the incident on charges ranging from subversion to sowing hatred of the Indonesian Government. 36/ Authorities had originally arrested 308 people in Dili, but later released 276. The articles said that eight persons had been charged in Dili and five others in Jakarta for organizing a 19 November march in Jakarta to protest the killings. Four of the accused have been charged with subversion, which carries a maximum penalty of death. Another source reported that, according to the Australian Council for Overseas Aid, Indonesian authorities had interviewed many survivors of the incident in a "political rehabilitation centre" on Vicqueque. 37/

62. In letters dated 26 May and 10 July 1992, Portugal informed the Secretary-General that two Timorese charged with "subversion" in Dili for organizing the demonstration at the cemetery had been given a life sentence and a 15-year prison term respectively; that two more Timorese living in Indonesia, accused of having organized a demonstration in Jakarta on 18 November 1991 protesting the massacre, and of being members of a student organization, had been sentenced to 10 and 8 years respectively; and that two others had been sentenced to two and a half years and six months in prison respectively for helping to organize anti-Indonesian demonstrations and for publicly expressing hostility towards the Government of Indonesia. None of the convicted Timorese had been indicted for violent activities (A/47/331 and A/47/332).

B. Communications and reports related to the incident

63. In a letter dated 12 November 1991 to the Secretary-General, the Permanent Representative of Portugal conveyed the text of a communiqué of his Government on the human rights situation in East Timor and requested that the letter and its annex be circulated as an official document of the General Assembly and of the Security Council (A/46/716-S/23258).

64. In a letter dated 15 November 1991 to the Secretary-General, the Permanent Representative of the Netherlands transmitted the text of a declaration of the European Community and its member States on East Timor, issued on 13 November 1991, and requested that the letter and its annex be circulated as a document of the General Assembly (A/46/683).

65. In a letter dated 20 November 1991 to the Secretary-General, the Permanent Representative of Cape Verde, also on behalf of Angola, Guinea-Bissau, Mozambique and Sao Tome and Principe, drew attention to the joint statement annexed thereto on the prevailing situation in East Timor, and requested that the letter and the joint statement be circulated as an official document of the General Assembly and of the Security Council (A/46/694-S/23235).

66. In a letter dated 22 November 1991 to the Secretary-General, the Permanent Representative of Portugal conveyed the text of a statement of his Government on Indonesia's appointment of a Commission of Inquiry into the Dili "massacre" and requested that the letter and its annex be circulated as an official document of the General Assembly and of the Security Council (A/46/699-S/23242).

67. In a letter dated 26 November 1991 to the Secretary-General, the Permanent Representatives of Angola, Cape Verde, Guinea-Bissau, Mozambique, Portugal and Vanuatu brought to his attention two reports by Amnesty International entitled "East Timor - The Santa Cruz Massacre" and "East Timor - After the Massacre", dated 14 and 21 November 1991 respectively, and requested that the letter and its annexes be published as an official document of the General Assembly (A/46/714).

68. In a letter dated 3 December 1991 to the Secretary-General, the Permanent Representative of the Netherlands transmitted the text of a declaration of the European Community and its member States on the situation in East Timor, issued on the same day, and requested that the letter and its annex be circulated as a document of the General Assembly (A/46/747).

69. In a note verbale dated 29 May 1992 to the Secretary-General, the Permanent Representative of Indonesia, with reference to the note verbale from Portugal of 1 May 1992 concerning the transmission of information on East Timor under Article 73 e of the Charter (A/47/189), reiterated the position of his Government concerning the Dili incident and annexed press releases on the question issued by the Permanent Mission of Indonesia (A/47/240).

70. In a letter dated 5 June 1992 to the Secretary-General, the Permanent Representative of Portugal transmitted the text of a statement of his Government on the trial and sentencing of East Timorese in Jakarta and Dili in connection with the event of November 1991 (A/47/259).

71. In a letter dated 26 June 1992 to the Secretary-General, the Permanent Representative of Portugal transmitted the text of a statement of his Government on East Timor, issued on 23 June 1992, and requested that the letter and its annex be circulated as a document of the General Assembly (A/47/299).

72. In a letter dated 10 July 1992 to the Secretary-General, the Permanent Representative of Portugal transmitted the text of a statement of his Government, issued on 26 May 1992, concerning the trials and sentencing of East Timorese in Jakarta and Dili (A/47/331).

73. In a letter dated 10 July 1992 to the Secretary-General, the Permanent Representative of Portugal transmitted the text of a statement of his Government, issued on 2 July 1992, on the sentencing to life imprisonment of a Timorese in Dili (A/47/332).

V. ECONOMIC AND SOCIAL CONDITIONS 38/

74. In the absence of information submitted by the administering Power under Article 73 e of the Charter, for the reasons explained in paragraph 4, the material in this section has been derived from other sources.

75. According to Indonesian publications, the prevailing economic and social conditions in East Timor can be described as follows:

General

Economic growth in 1991 was estimated at over 11 per cent. Of the total output, an estimated 49.68 per cent was contributed by agriculture; 21.1 per cent by services; 12.9 per cent by construction; 9.5 per cent by trade; and 6.8 per cent by other sectors.

Indonesian budgetary allocations for development in East Timor for 1992/93 increased by 35.8 per cent as compared to the previous year. The "East Timor provincial administration" was allocated Rp 71.1 billion 39/ for the implementation of 126 agricultural and industrial projects. In addition, the Government allocated Rp 67.2 billion for the construction of elementary schools, procurement of drinking water, road improvement and reforestation projects.

Natural resources

According to a survey conducted in 1989 by the Indonesian National Investment Coordinating Board and the Agency for the Assessment and Application of Technology, East Timor has significant mineral deposits: 3 million cubic metres of marble, 115.57 million cubic metres of bentonite, as well as phosphate, manganese, gold, copper, chromium, dolomite, wollastonite and clay.

Agriculture

In 1990, food production was as follows: rice, 50,172 tons; corn, 73,635 tons; green beans, 1,016 tons; soya beans, 69 tons; peanuts, 1,375 tons; cassava, 10,567 tons; sweet potatoes, 35,179 tons; and vegetables, 10,924 tons.

In 1991, cornfields covered an area of 23,000 hectares and rice paddy fields, 61,000 hectares. East Timor was close to achieving self-sufficiency in rice, with only 8,000 tons of rice imported from other regions, as compared to 24,000 tons in 1990.

The Territorial Government set a target of developing 400 hectares of new rice paddies in 1992/93 to achieve self-sufficiency in rice production.

In 1989, there were more than 136 kilometres of irrigation canals in East Timor, capable of supplying water for 6,000 hectares of paddy fields.

In 1989, animal husbandry indicators were as follows: cows, 63,612; horses, 24,993; goats, 91,214; buffalo, 43,554; sheep, 31,099; pigs, 256,031; chickens, 494,767; broilers, 144,614; and ducks, 31,750.

In 1989, 680 tons of ocean fish and 48 tons of freshwater fish were landed.

According to an Indonesian publication, three foreign companies had expressed interest in investing in businesses in Lautem regency, 255 kilometres east of Dili. A Japanese and a South Korean company were considering establishing joint ventures with Indonesian counterparts to process canned fish products, while an Australian firm was considering development of a cattle-raising project in cooperation with "domestic" firms.

Forest

Forested areas in East Timor consist of 25,165 hectares of nature reserve, 13,687 hectares of forest for recreational purposes, 432,277 hectares of protected forest, 170,484 hectares of limited forest, 45 hectares of productive forest and 10,000 hectares of convertible forest.

Communications

In 1989, the road network of East Timor consisted of 650 kilometres of "national roads" (49 per cent asphalt and 51 per cent gravelled) and 989 kilometres of "provincial roads" (22 per cent asphalt and 78 per cent gravelled).

From 1976 to 1989, 20 bridges were constructed, with a total length of 959 metres. In 1988/89, Rp 21,800 million was allocated to road network construction. In 1989, 330 traffic signs were installed in Dili and other areas.

In 1989, there were 187 buses, 1,964 passenger cars, 1,567 trucks and 5,476 motorcycles. The Comoro airport was being improved.

Dili seaport, with a 180-metre quay 9 metres deep, can accommodate 5,000 d.w.t. vessels. Three to five vessels call at the port weekly. Other local seaports are under construction at Pante Makasar (Ambeno), Laga (Baucau), Con (Lautem), Beasu (Viqueque) and Betano (Manufahi).

Industries

For 1990/91, Rp 1.5 billion was allocated for executing integrated development projects in Nitibe (Ambeno), Ossu (Viqueque), Alos (Manufahi), Manatuto and Maro (Lautem), Maubara (Liquisa) and Dili.

As of the end of 1988, there were 1,032 units of industrial enterprises, comprising seven multifaceted industries and 1,025 small-scale and handicraft industries. Multifaceted industries employed 830 persons and produced goods valued at Rp 1,380 million. Small-scale establishments and businesses employed 3,949 persons and produced goods worth Rp 1,330 million. It was estimated that 90.4 per cent of those enterprises were privately owned.

Education and social services

In 1988/89, there were 26 kindergartens with 1,713 pupils and 73 teachers; 565 primary schools with 128,566 students and 4,357 teachers; 90 junior high schools with 33,314 students and 1,179 teachers; and 33 upper secondary schools with 11,818 students and 675 teachers.

In 1989, there were two universities, Timor Timur University and Open University, and one academy, the Kataketik Academy. The Open University was attended by 701 students, and Kataketik Academy by 48 students.

In March 1992, it was reported that the only school in the Territory which gave instruction in Portuguese and taught Indonesian as a second language would be shut down with the agreement of Roman Catholic Church authorities. The Indonesian newspaper said that the school had become notorious following reports that many of its students had been involved in the demonstration that had led to the 12 November incident. The school is located near the Santa Cruz cemetery. 40/

Health

There were eight State-run general hospitals and a number of public health centres. The medical personnel included 6 specialists, 149 physicians, 75 midwives and 452 nurses. The ratio of physicians to the population was 1:7,000. In 1989/90, over Rp 3 billion was allocated to public health programmes.

Tourism

The Government of Indonesia allocated Rp 100 million for tourism development in East Timor in 1991/92. The funds were to be used for the development of coastal resorts, parks and other facilities. The Indonesian Directorate General of Tourism had assigned a team to survey areas in East Timor which might be developed into tourist resorts.

Notes

1/ World Population Prospects, 1990 (United Nations publication (ST/ESA/SER.A/120), Sales No. E.91.XIII.4), p. 140.

2/ For details, see corresponding sections of the previous working papers contained in documents A/AC.109/L.1328, A/AC.109/623, 663, 715, 747, 783, 836, 871, 919, 961 and 1001.

3/ See General Assembly resolutions 1699 (XVI), 1807 (XVII), 1913 (XVIII), 2107 (XX), 2184 (XXI), 2395 (XXIII), 2507 (XXIV), 2707 (XXV), 2795 (XXVI), 2918 (XXVII), 3113 (XXVIII), 3294 (XXIX), 3485 (XXX) and 31/53, relating to the question of Territories under Portuguese administration, including East Timor; see also Assembly resolutions 32/34, 33/39, 34/40, 35/27, 36/50 and 37/30 on the question of East Timor.

4/ See A/35/233, A/36/160, A/37/113, A/38/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219, A/44/262, A/45/172, A/46/131 and A/47/189. Owing to lack of official information from the administering Power, the information contained in the present paper has been derived from published reports.

5/ A/38/352, A/39/361, A/40/622, A/41/602, A/42/539, A/43/588, A/44/529 and A/45/507.

Notes (continued)

6/ General Assembly decisions 38/402, 39/402, 40/402 and 43/402; see also A/41/PV.3, A/44/PV.3, A/45/PV.3 and A/46/PV.3.

7/ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 23 (A/38/23); ibid., Thirty-ninth Session, Supplement No. 23 (A/39/23); ibid., Fortieth Session, Supplement No. 23 (A/40/23); ibid., Forty-first Session, Supplement No. 23 (A/41/23); ibid., Forty-second Session, Supplement No. 23 (A/42/23); ibid., Forty-third Session, Supplement No. 23 (A/43/23); ibid., Forty-fourth Session, Supplement No. 23 (A/44/23); and ibid., Forty-fifth Session, Supplement No. 23 (A/45/23); A/AC.109/PV.1363, 1366, 1367 and 1368.

8/ See Official Records of the Economic and Social Council, 1983, Supplement No. 2 (E/1983/14-E/CN.4/1983/60).

9/ Ibid., 1985, Supplement No. 2 (E/1985/22-E/CN.4/1985/66), paras. 276 and 277.

10/ E/CN.4/Sub.2/1988/L.26 and press release HR/3361.

11/ See E/CN.4/Sub.2/1989/58-E/CN.4/1990/2; E/CN.4/1991/2-E/CN.4/Sub.2/1990/59.

12/ E/CN.4/Sub.2/1991/SR.26.

13/ E/CN.4/1992/17/Add.1, p. 14.

14/ E/CN.4/1992/SR.54/Add.1.

15/ See HR/CN/345.

16/ Indonesian Observer, 9 April 1992.

17/ Far Eastern Economic Review, 26 March 1992.

18/ The New York Times, 21 October 1990.

19/ Indonesian Observer, 8 April 1992.

20/ O Público (Lisbon), 6 March 1992.

21/ Press release No. ICJ/495, 6 March 1991.

22/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 4 (A/46/4), p. 16.

23/ The Australian (Melbourne), 26 August 1991.

Notes (continued)

24/ Permanent Mission of the Republic of Indonesia to the United Nations, press release No. 05/PR/110691.

25/ Press statement of the Indonesian Mission, No. 02/PR/92 of 25 February 1992; The Sunday Age (Australian), 23 March 1992.

26/ The Guardian, 23 April 1992.

27/ United States Department of State, Country Reports on Human Rights Practices for 1991, Indonesia (United States Government Printing Office, Washington, D.C., February 1992), pp. 892-909.

28/ A/46/714, annex I, p. 8

29/ United States Department of State, Country Reports on Human Rights Practices for 1991, Indonesia, p. 861.

30/ A/46/714, annex II, pp. 13-14.

31/ Permanent Mission of the Republic of Indonesia to the United Nations, press release No. 10/PR/123191, 31 December 1991 (A/47/240, annex IV).

32/ Permanent Mission of the Republic of Indonesia to the United Nations, press release No. 03/PR/92, 28 February 1992 (A/47/240, annex VI).

33/ Asia Watch, vol. 4, No. 1, 3 January 1992, p. 1.

34/ Ibid., vol. 3, No. 23, 12 December 1991, para. 1.

35/ E/CN.4/1992/17/Add.1, paras. 48, 53, 64 and 65.

36/ Far Eastern Economic Review, 2 April and 4 June 1992.

37/ O Público (Lisbon), 14-15 April 1992.

38/ The information has been derived from various sources: Antara, 11 January 1992; East Timor Strives for a Better Future, published by the Public Relations Bureau of East Timor, 1990, pp. 34-37; and Facts on East Timor, House of Representatives of the Republic of Indonesia, 1990, pp. 30 and 33.

39/ The currency of the Territory is the Indonesian rupiah. As of 7 July 1992, US$ 1.00 equals Rp 2030.54.

40/ Jakarta Post, 30 March 1992.